

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 58

SENATE BILL 1329

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2951; RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 29, article 2, Arizona Revised Statutes,
3 is amended by adding section 36-2951, to read:

4 36-2951. Self-directed attendant care services; rules;
5 definition

6 A. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON ENROLLED IN THE
7 ARIZONA LONG-TERM CARE SYSTEM MAY EMPLOY ANOTHER PERSON TO PROVIDE
8 SELF-DIRECTED ATTENDANT CARE SERVICES THAT WOULD OTHERWISE BE CONSIDERED
9 WITHIN THE SCOPE OF NURSING CARE PURSUANT TO TITLE 32, CHAPTER 15 IF:

10 1. THE PERSON RECEIVING THESE SERVICES IS IN STABLE CONDITION, IS NOT
11 A RESIDENT IN A MEDICAL FACILITY AND IS COMPETENT TO GIVE DIRECTIONS TO THE
12 ATTENDANT.

13 2. THE PERSON RECEIVING THESE SERVICES HAS A FUNCTIONAL DISABILITY AND
14 REQUIRES A SERVICE THAT COULD HAVE BEEN PERFORMED BY THAT PERSON EXCEPT FOR
15 THE DISABILITY.

16 3. THE ATTENDANT OFFERS ONLY SERVICES THAT ARE PRESCRIBED BY THE
17 ADMINISTRATION BY RULE.

18 B. THE ADMINISTRATION SHALL ADOPT RULES PRESCRIBING THE TYPES OF
19 SELF-DIRECTED ATTENDANT CARE SERVICES THAT MAY BE DELIVERED PURSUANT TO THIS
20 SECTION. BEFORE IT ADOPTS THESE RULES, THE ADMINISTRATION SHALL SUBMIT THE
21 PROPOSED RULES TO THE STATE BOARD OF NURSING FOR ITS REVIEW AND APPROVAL.

22 C. FOR THE PURPOSES OF THIS SECTION, "SELF-DIRECTED ATTENDANT CARE"
23 MEANS A SERVICE PROVIDED BY AN ATTENDANT CAREGIVER WHO IS HIRED TO PROVIDE
24 PERSONAL CARE, HOMEMAKER AND GENERAL SUPERVISION SERVICES TO A PARTICIPANT IN
25 THE ARIZONA LONG-TERM CARE SYSTEM.

26 Sec. 2. Self-directed attendant care services; report

27 On or before January 1, 2011, the director of the Arizona health care
28 cost containment system administration shall submit a written report to the
29 governor, the president of the senate, the speaker of the house of
30 representatives and the state board of nursing that includes the following
31 information:

32 1. The number of persons using self-directed attendant care services
33 pursuant to section 36-2951, Arizona Revised Statutes, as added by this act,
34 in each year covered by the report.

35 2. The types of services used.

36 3. Any incidents of hospitalization associated with persons using
37 self-directed attendant care services.

APPROVED BY THE GOVERNOR APRIL 21, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2008.